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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/580,273	05/25/2006	Kazuyo Terada	4670-0127PUS1	5967
225/2	7590	11/17/2008	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH			THOMAS, ERIC W	
PO BOX 747			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22040-0747			2831	
NOTIFICATION DATE		DELIVERY MODE		
11/17/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,273	<b>Applicant(s)</b> TERADA ET AL.
	<b>Examiner</b> Eric Thomas	<b>Art Unit</b> 2831

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 17 July 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-12 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-12 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## INTRODUCTION

The examiner acknowledges, as recommended in the MPEP, the applicant's submission of the amendment dated 7/17/08. At this point, claims 1, 3-7, 6-10 have been amended and claim 12 has been added. Thus claims 1-12 are pending in the instant application.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8-9, 11-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa et al. (US 2002/0034686).

Yamakawa et al. disclose a binder for an electric double layer capacitor [0004], comprising; a polymer (A), comprising 50 % or more by weight of an acrylate monomer unit (example 2) and 0.5 to 10 % by weight of a polyfunctional unsaturated monomer unit (example 2), and having two or more glass transition temperatures. Although Yamakawa et al. are silent with respect to the binder having two or more glass transition temperatures, it is understood to be an inherent feature (when the structure recited in the references is substantially identical to that of the claims, claimed properties or functions are presumed to be inherent).

Regarding claim 2, Yamakawa et al. disclose the polymer (A) is a complex.

Regarding claim 3, Yamakawa et al. disclose the complex is a fine particle having a core-shell structure comprising the acrylate polymer.

Regarding claim 4, Yamakawa et al. disclose a composition for an electric double layer capacitor, comprising the binder as claimed in claim 1, and an active material for an electrode [0059].

Regarding claim 5, Yamakawa et al. disclose the double layer capacitor according to claim 4, further containing an electroconductivity additive [0062].

Regarding claim 6, Yamakawa et al. disclose the composition for the electric double layer capacitor further comprising water [0053].

Regarding claim 8, Yamakawa et al. disclose an electrode for an electric double layer capacitor, wherein the composition for the electric double layer capacitor as claimed in claim 4 is stacked on a current collector [0064].

Regarding claim 9, Yamakawa et al. disclose a method for producing the electrode for the electric double layer capacitor as claimed in claim 8, comprising the steps of: applying, onto a current collector, a composition for an electric double layer capacitor comprising a binder for an electric double layer capacitor comprising the polymer (A), an active material for an electrode, and water, and; then drying the composition, thereby forming an electrode layer on the current collector [0065].

Regarding claim 11, Yamakawa et al. disclose an electric double layer capacitor, comprising the electrode as claimed in claim 8, an electrolytic solution, and a separator [0070, 0096].

Regarding claim 12, Yamakawa et al. disclose the polyfunctional unsaturated monomers is dimethacrylate, diacrylate, trimethacrylate, or a triacrylate.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa et al. (US 2002/0034686) in view of Kurihara et al. (US 2005/0064096).

Yamakawa et al. disclose the claimed invention except for the method for producing the composition of the electric double layer capacitor comprising the steps of mixing a binder for an electric double layer capacitor comprising the polymer (A) and an active material for an electrode in a solvent to yield a dispersion, and granulating the dispersion by a spray drying method.

Kurihara et al. disclose a method for forming an electrode for an electrochemical device, wherein the method comprises the steps of a) mixing a binder and an active material in a solvent to yield a dispersion, and b) granulating the dispersion by a spray drying method [0224].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the electrode of Yamakawa et al. using the process of Kurihara et al., since such a modification would form an electrode having excellent electrode characteristics.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa et al. (US 2002/0034686) in view of JP 2000-040504 ('504).

Yamakawa et al. disclose the claimed invention except for the method for producing the composition of the electric double layer capacitor comprising the steps of mixing a binder for an electric double layer capacitor comprising the polymer (A) and an active material for an electrode in a solvent to yield a dispersion, and granulating the dispersion by a spray drying method.

'504 discloses a method for forming an electrode for an electrochemical device, wherein the method comprises the steps of a) mixing a binder and an active material in a solvent to yield a dispersion, and b) granulating the dispersion by a spray drying method (examples).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the electrode of Yamakawa et al. using the process of '504,

since such a modification would form an electrode having excellent electrode characteristics.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa et al. (US 2002/0034686) in view of JP 04233209 ('209).

Yamakawa et al. disclose the claim invention except for the step of dry-molding the composition for the electric double layer capacitor comprising the binder for the electric double layer capacitor comprising the polymer (A), and the active material for an electrode, and then forming the electrode layer on the current collector.

'209 discloses a method of producing an electrode comprising the step of dry-molding (press-molding) a composition comprising a binder and carbon material, and then forming the electrode on the current collect.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the electrode of Yamakawa et al. by dry-molding the composition and then applying it to the current collect, since such a modification would form an electrode having excellent electrode characteristics.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Thomas whose telephone number is 571-272-1985. The examiner can normally be reached on Monday - Friday 5:30 AM - 2:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Eric Thomas/  
Primary Examiner, Art Unit 2831